

112TH CONGRESS
1ST SESSION

H. R. 1021

IN THE SENATE OF THE UNITED STATES

DECEMBER 7, 2011

Received

DECEMBER 8, 2011

Read twice and referred to the Committee on the Judiciary

AN ACT

To prevent the termination of the temporary office of
bankruptcy judges in certain judicial districts.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Temporary Bank-
3 ruptcy Judgeships Extension Act of 2011”.

4 **SEC. 2. EXTENSION OF TEMPORARY OFFICE OF BANK-**
5 **RUPTCY JUDGES IN CERTAIN JUDICIAL DIS-**
6 **TRICTS.**

7 (a) TEMPORARY OFFICE OF BANKRUPTCY JUDGES
8 AUTHORIZED BY PUBLIC LAW 109–8.—

9 (1) EXTENSIONS.—The temporary office of
10 bankruptcy judges authorized for the following dis-
11 tricts by section 1223(b) of Public Law 109–8 (28
12 U.S.C. 152 note) are extended until the applicable
13 vacancy specified in paragraph (2) in the office of a
14 bankruptcy judge for the respective district occurs:

15 (A) The central district of California.

16 (B) The eastern district of California.

17 (C) The district of Delaware.

18 (D) The southern district of Florida.

19 (E) The southern district of Georgia.

20 (F) The district of Maryland.

21 (G) The eastern district of Michigan.

22 (H) The district of New Jersey.

23 (I) The northern district of New York.

24 (J) The southern district of New York.

25 (K) The eastern district of North Carolina.

26 (L) The eastern district of Pennsylvania.

1 (M) The middle district of Pennsylvania.

2 (N) The district of Puerto Rico.

3 (O) The district of South Carolina.

4 (P) The western district of Tennessee.

5 (Q) The eastern district of Virginia.

6 (R) The district of Nevada.

7 (2) VACANCIES.—

8 (A) SINGLE VACANCIES.—Except as pro-
9 vided in subparagraphs (B), (C), (D), and (E),
10 the 1st vacancy in the office of a bankruptcy
11 judge for each district specified in paragraph
12 (1)—

13 (i) occurring more than 5 years after
14 the date of the enactment of this Act, and

15 (ii) resulting from the death, retire-
16 ment, resignation, or removal of a bank-
17 ruptcy judge,

18 shall not be filled.

19 (B) CENTRAL DISTRICT OF CALIFORNIA.—

20 The 1st, 2d, and 3d vacancies in the office of
21 a bankruptcy judge for the central district of
22 California—

23 (i) occurring 5 years or more after the
24 date of the enactment of this Act, and

1 (ii) resulting from the death, retire-
2 ment, resignation, or removal of a bank-
3 ruptcy judge,

4 shall not be filled.

5 (C) DISTRICT OF DELAWARE.—The 1st,
6 2d, 3d, and 4th vacancies in the office of a
7 bankruptcy judge for the district of Delaware—

8 (i) occurring more than 5 years after
9 the date of the enactment of this Act, and

10 (ii) resulting from the death, retire-
11 ment, resignation, or removal of a bank-
12 ruptcy judge,

13 shall not be filled.

14 (D) SOUTHERN DISTRICT OF FLORIDA.—
15 The 1st and 2d vacancies in the office of a
16 bankruptcy judge for the southern district of
17 Florida—

18 (i) occurring more than 5 years after
19 the date of the enactment of this Act, and

20 (ii) resulting from the death, retire-
21 ment, resignation, or removal of a bank-
22 ruptcy judge,

23 shall not be filled.

1 (E) DISTRICT OF MARYLAND.—The 1st,
2 2d, and 3d vacancies in the office of a bank-
3 ruptcy judge for the district of Maryland—

4 (i) occurring more than 5 years after
5 the date of the enactment of this Act, and

6 (ii) resulting from the death, retire-
7 ment, resignation, or removal of a bank-
8 ruptcy judge,

9 shall not be filled.

10 (3) APPLICABILITY OF OTHER PROVISIONS.—

11 Except as provided in paragraphs (1) and (2), all
12 other provisions of section 1223(b) of Public Law
13 109–8 (28 U.S.C. 152 note) remain applicable to the
14 temporary office of bankruptcy judges referred to in
15 paragraph (1).

16 (b) TEMPORARY OFFICE OF BANKRUPTCY JUDGES
17 EXTENDED BY PUBLIC LAW 109–8.—

18 (1) EXTENSIONS.—The temporary office of
19 bankruptcy judges authorized by section 3 of the
20 Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152
21 note) and extended by section 1223(c) of Public Law
22 109–8 (28 U.S.C. 152 note) for the district of Dela-
23 ware, the district of Puerto Rico, and the eastern
24 district of Tennessee are extended until the applica-
25 ble vacancy specified in paragraph (2) in the office

1 of a bankruptcy judge for the respective district oc-
2 curs.

3 (2) VACANCIES.—

4 (A) DISTRICT OF DELAWARE.—The 5th
5 vacancy in the office of a bankruptcy judge for
6 the district of Delaware—

7 (i) occurring more than 5 years after
8 the date of the enactment of this Act, and

9 (ii) resulting from the death, retire-
10 ment, resignation, or removal of a bank-
11 ruptcy judge,
12 shall not be filled.

13 (B) DISTRICT OF PUERTO RICO.—The 2d
14 vacancy in the office of a bankruptcy judge for
15 the district of Puerto Rico—

16 (i) occurring more than 5 years after
17 the date of the enactment of this Act, and

18 (ii) resulting from the death, retire-
19 ment, resignation, or removal of a bank-
20 ruptcy judge,
21 shall not be filled.

22 (C) EASTERN DISTRICT OF TENNESSEE.—
23 The 1st vacancy in the office of a bankruptcy
24 judge for the eastern district of Tennessee—

1 (i) occurring more than 5 years after
2 the date of the enactment of this Act, and
3 (ii) resulting from the death, retire-
4 ment, resignation, or removal of a bank-
5 ruptcy judge,
6 shall not be filled.

7 (3) APPLICABILITY OF OTHER PROVISIONS.—
8 Except as provided in paragraphs (1) and (2), all
9 other provisions of section 3 of the Bankruptcy
10 Judgeship Act of 1992 (28 U.S.C. 152 note) and
11 section 1223(c) of Public Law 109–8 (28 U.S.C.
12 152 note) remain applicable to the temporary office
13 of bankruptcy judges referred to in paragraph (1).

14 (c) TEMPORARY OFFICE OF THE BANKRUPTCY
15 JUDGE AUTHORIZED BY PUBLIC LAW 102–361 FOR THE
16 MIDDLE DISTRICT OF NORTH CAROLINA.—

17 (1) EXTENSION.—The temporary office of the
18 bankruptcy judge authorized by section 3 of the
19 Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152
20 note) for the middle district of North Carolina is ex-
21 tended until the vacancy specified in paragraph (2)
22 occurs.

23 (2) VACANCY.—The 1st vacancy in the office of
24 a bankruptcy judge for the middle district of North
25 Carolina—

1 (A) occurring more than 5 years after the
2 date of the enactment of this Act, and

3 (B) resulting from the death, retirement,
4 resignation, or removal of a bankruptcy judge,
5 shall not be filled.

6 (3) APPLICABILITY OF OTHER PROVISIONS.—
7 Except as provided in paragraphs (1) and (2), all
8 other provisions of section 3 of the Bankruptcy
9 Judgeship Act of 1992 (28 U.S.C. 152 note) remain
10 applicable to the temporary office of the bankruptcy
11 judge referred to in paragraph (1).

12 **SEC. 3. BANKRUPTCY FILING FEE.**

13 (a) BANKRUPTCY FILING FEE.—Section 1930(a)(3)
14 of title 28, United States Code, is amended by striking
15 “\$1,000” and inserting “\$1,042”.

16 (b) EXPENDITURE LIMITATION.—Incremental
17 amounts collected by reason of the enactment of sub-
18 section (a) shall be deposited in a special fund in the
19 Treasury to be established after the date of enactment of
20 this Act. Such amounts shall be available for the purposes
21 specified in section 1931(a) of title 28, United States
22 Code, but only to the extent specifically appropriated by
23 an Act of Congress enacted after the date of enactment
24 of this Act.

1 (c) EFFECTIVE DATE.—This section shall take effect
2 180 days after the date of enactment of this Act.

Passed the House of Representatives December 6,
2011.

Attest:

KAREN L. HAAS,
Clerk.